

## SHIZU TERAUCHI PARKS

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SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

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Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 2916]

The Committee on the Judiciary, to which was referred the bill (H. R. 2916) for the relief of Shizu Terauchi Parks, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

## PURPOSE OF THE BILL

The purpose of the bill is to enable the Japanese fiancée of a citizen of the United States to enter the United States for the purpose of marrying said citizen fiancé and to thereafter remain in the United States.

## STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Japan. In 1936 she was married to Henry Francis Parks, a native-born citizen of the United States. Mr. Parks was interned by the Japanese during the war. Prior to the repatriation to Japan of the beneficiary of the bill, they were divorced. Mr. Parks was repatriated to the United States where he remarried in California. Mr. Parks is now divorced from his second wife and wishes to remarry the beneficiary of the bill.

A letter dated October 17, 1950, to the chairman of the Committee on the Judiciary of the House of Representatives from the Acting Deputy Attorney General with reference to H. R. 8334, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

OCTOBER 17, 1950.

HON. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 8334) for the relief of Shizu Terauchi Parks.

The bill would provide that the provisions of section 13 (c) of the Immigration Act of 1924, as amended, which exclude from admission to the United States persons who are ineligible to citizenship, shall not apply to Shizu Terauchi Parks, a native of Japan. It would also provide that if otherwise admissible, she shall be granted admission into the United States as a nonquota immigrant for permanent residence, upon application hereafter filed.

The files of the Immigration and Naturalization Service of this Department disclose that the alien named in the bill is a native and citizen of Japan, of the Japanese race, and that she was born on May 26, 1907, in Arita-machi, Sagaken, Japan. She is presently residing in Tokyo and according to Mr. Henry Francis Parks, her alleged husband, she has never been to the United States. Mr. Parks testified that he is a citizen of the United States, having been born on October 27, 1895, in Louisville, Ky. He further stated that in 1933, as a member of the orchestra of the steamship *President Jefferson*, he requested to be paid off at Kobe, Japan, and that from there he went to China, where he remained until he was repatriated in November of 1945. Mr. Parks was a prisoner of the Japanese at Postung prison camp, Shanghai, China, from early in 1943 until in August of 1945. He has returned to China subsequent to his repatriation for two short visits, and is presently residing in Louisville, Ky., where he is employed as a field representative for the Standard Life Insurance Co. of Indiana.

According to Mr. Parks, he and Shizu Terauchi were married on November 20, 1936, in the chambers of the judge of the United States Court for China, but were remarried about a year later in the Catholic church at Nagasaki, Japan. It appears that after the surrender of the Japanese and the occupation of Shanghai by the Americans, and before his alleged wife's repatriation to Japan, they effected a legal separation on September 18, 1945, by signing an agreement of divorce, which was prepared for them by a lawyer. After Mr. Parks returned to the United States he was married in California to a United States citizen, who subsequently obtained an interlocutory judgment of divorce, which will become final on January 27, 1951. Mr. Parks stated that he considers he is still married to Shizu Parks, according to the laws of his church, and that he is sending her \$40 a month for her support in addition to clothing.

The alien being of the Japanese race is ineligible for naturalization under section 303 of the Nationality Act of 1940. She is, therefore, inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924, which section excludes aliens ineligible for citizenship. In the absence of special or general legislation, the alien will be unable to come to the United States to join her alleged husband, but there are no considerations presented in her case which would justify the enactment of this measure granting her an exemption from the general provisions of the immigration and naturalization laws.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PETER CAMPBELL BROWN,  
*Acting Deputy Attorney General.*

Congressman Thruston B. Morton, the author of the bill, has submitted the following statement and copy of a judgment of divorce:

STATEMENT OF THRUSTON B. MORTON, OF KENTUCKY, IN SUPPORT OF H. R. 2916

H. R. 2916 would permit the admission as a nonimmigrant temporary visitor of Shizu Terauchi Parks, the Japanese fiancée of Henry Francis Parks, for a period of 3 months.

This is a rather unusual case. Shizu Terauchi Parks is the former wife of Henry Francis Parks, of Louisville, Ky. He plans to remarry her under the laws of this country, even though their marriage is still valid in the Catholic Church, of which they are both members.

Last year I introduced H. R. 8334 in behalf of Mrs. Parks, but, at that time, Mr. Parks was not free to remarry her as a divorce was then pending from his second wife. It has now become final under the laws of the State of California and a copy of the final judgment of divorce is attached to this statement.

Henry Francis Parks first married Shizu Terauchi on November 20, 1936, in China, and they were remarried a year later in the Catholic Church at Nagasaki, Japan. She is now 43 years of age and Mr. Parks is 55 years of age. They remained married for about 9 years.

Mr. Parks was a civilian internee of the Japanese at Postung prison camp, Shanghai, China, from early in 1943 until August 1945. While he was in this prison, he states that Shizu Terauchi Parks often got food into the camp for him and on one occasion was instrumental in saving his life. After the war, Mrs. Parks was employed by the American Red Cross in Japan as an interpreter, and there is a character statement in the committee files signed and notarized by her supervisor, Jane V. Gulick. There is also a statement by Mr. Parks in the committee file giving complete information on the case.

I believe that this is a just bill and I trust that the committee may give favorable consideration to it so that Henry Francis Parks may remarry Shizu Terauchi Parks, whom he has continued to support through the years.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE CITY  
AND COUNTY OF SAN FRANCISCO, DEPARTMENT No. 14, No. 393679

Marie Still Parks, Plaintiff, versus Henry Francis Parks, Defendant

FINAL JUDGMENT OF DIVORCE

The motion of the plaintiff for final judgment came on for hearing on this 30th day of January 1951, upon all the files, papers, proceedings, and records in the above-entitled action, from which it appears, and the court finds, that an interlocutory judgment of divorce was, on the 27th day of January 1950, entered in said cause in Judgment Book 837, at page 308; that no motion for a new trial has been made and no appeal has been taken;

Wherefore it is hereby ordered, adjudged, and decreed that a divorce be, and it hereby is, granted and that the marriage between the above-named plaintiff and defendant be, and the same is, hereby dissolved, and the said parties are restored to the status of single persons.

It is further ordered, adjudged, and decreed that the plaintiff may assume her maiden name of Marie Still.

Done in open court this 30th day of January 1951.

DANIEL R. SHOEMAKER,  
Judge of the Superior Court.

The annexed instrument is a correct copy of the original on file in my office, dated February 6, 1951.

MARTIN MONGAN,  
County Clerk of San Francisco.  
By J. L. PERUSCO, Deputy.

The files of the Committee on the Judiciary of the House of Representatives also contain the following information in connection with the case:

PARKS TELEVISION & ENGINEERING Co.,  
Louisville, Ky., April 2, 1951.

HON. FRANCIS E. WALTER,  
Chairman, Committee of the Judiciary,  
Subcommittee No. 1, Immigration and Naturalization,  
House of Representatives, Washington, D. C.

DEAR MR. WALTER: Our representative from this Kentucky district, Mr. Thruston B. Morton, has advised me that the bill he introduced in my behalf, H. R. 2916, is slated to come before your committee next Monday, April 9.

This bill, if considered favorably, would grant my wife, Mrs. Shizu Terauchi Parks, the right of entry to the United States, remarriage, and permanent residence.

A complete history of the case was taken from me by a representative of the Department of Justice last year. The Department did not, at that time, recommend passage of the then pending bill due to an impediment. This impediment has since been removed.

What has transpired since 1945 was induced in a great measure by what seemed to us then as utter hopelessness and futility. We were both under tremendous emotional strain and excitement due to the end of the war. We separated very foolishly. It has taken the long, passing years to completely realize it. And, Mr. Walter, we could not be blamed for that temporary conviction. Both in 1937 and

1938, we had tried to get a bill passed to permit my wife with me here at home but to no avail. What happened in 1945 I blame myself for more than I do her. And because of it I have had a weighty conscience and condemned myself to years of mental torture and physical loneliness.

So I implore and beseech you, Mr. Walter, to give this bill your favorable consideration. In the name of justice, of humanity—yes, in God's name—pass it. Don't exile me from my native land; for exile me you must if we cannot live together here. I must go and live with my wife somewhere else if this bill does not pass.

It costs the Government nothing to do this just, humane act. And it sets no precedent for many such bills have already passed. Won't you please act favorably on H. R. 2916? My heartfelt thanks and prayers for your continued welfare accompany this humble petition.

Sincerely yours,

HENRY FRANCIS PARKS.

In addition, the following letter, in affidavit form, submitted to the chairman of the Senate Committee on the Judiciary from Mr. Parks, reads as follows:

LOUISVILLE, Ky., July 6, 1951.

The Honorable Senator PAT McCARRAN,  
Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: Representative Thruston B. Morton, who introduced bill H. R. 2916 and followed it through to its passage by the House of Representatives, has requested me to submit to you a statement as to what transpired in connection with my marital difficulties. Before going into same I would correct an impression he seems to have that I left my wife in Japan and then decided to seek a divorce. Our separation occurred in Shanghai as the subsequent statement will show.

At the first permissible opportunity after VJ-day, my wife came over to the Pootung prison camp where I had been imprisoned for 2½ years. This particular camp was the only one of the nearly 20 camps in the Shanghai area which was located on the Pootung side of the Whangpo River.

During my entire incarceration, my wife was only permitted to see me 1 hour once a month. Even this privilege was denied us when the Japanese camp authorities intercepted a clandestine letter of mine being smuggled out by the "bamboo" or grapevine route 7 months before the end of the war. When the United States Army authorities arrived at the Pootung prison camp they found several International Red Cross letters directed to me by relatives in the States tucked away in a pigeonhole in the commandant's desk.

I noticed that my wife was not gay and cheerful as a wife might be with the liberation of her beloved husband after 30 months of imprisonment and I asked her the cause. She said that she thought the possibility of us being able to live together in the future was hopeless. She reminded me that we had had Senator Burton Wheeler make two attempts, in 1937 and again in 1938, to get a bill through Congress to permit her admission to, and permanent residence in, the United States, and both failed. That extraterritoriality had been abolished in Shanghai. That she could not live with me in the States nor I live in Japan; and neither of us could continue to live in Shanghai under an all-Chinese administration.

She felt extremely despondent realizing that the military positions, vis à vis each other, were now reversed. While I had been a prisoner of her people for virtually 4 years, now she was a prisoner of mine. She told me, and these are her exact words indelibly impressed on my memory: "Darling, my darling, I love you more than life itself but it seems that East is East and West is West and we cannot continue. I think it best I go my way and you go yours." I tried to dissuade her but to no avail. Finally, I became angry at her attitude and, I am ashamed to say, insisted upon a complete separation.

In the days that followed I worked with the OSS assisting them in securing favorable locations for their equipment, special telephone lines and in every possible way I could, knowing the city of Shanghai and the radio situation thoroughly. I was moving in a crowd that did a lot of entertaining and drinking. The more obstinate she was the more provoked I became. After three attempts at a meeting at a local Chinese lawyer's office, she finally, reluctantly came and signed the Chinese divorce papers. I took one set to the American consulate

office. That night remorse struck us both. We would call the whole thing off and I would get those papers back from the consulate. I did go back to the consulate and was told they could not be found anywhere. That due to the confusion obtaining in a not yet established consular office they had been mislaid. Well, there we were.

Meanwhile, restrictions were tightened against all Japanese nationals and they were all required to move north of Suchow Creek in the Honkew district until they were finally evacuated to Japan. She could not, of course, then reside in our apartment at 512 Hamilton House as the United States Army had taken over the entire building.

Undaunted, with the courage of a great woman she is, she disguised herself in a Chinese gown and came up to the apartment early one morning a few days later. We both wept and reiterated our determination to rectify the mistake at the earliest opportunity. I saw her but once after that when I gave her several hundred dollars I had borrowed from my Chinese compradore, as a lien against my office, contents and future business profits. Despite the danger of discovery, arrest and imprisonment she made this visit. It was by no means the first time she had come to my rescue when I had difficulties with various Japanese authorities. I might add that these restrictions were also one of the reasons, if not the principal one, I did not see her but the one time mentioned until I left China.

Shanghai was enjoying a great wave of prosperity and immense business potentials were developing. I decided I would return to the States and set up an office of my firm, the Cathay American Co. at San Francisco. I left on the U. S. S. *La Vaca* about October 12, 1945, and arrived at San Francisco November 5, 1945.

At this city I was medically screened at the United States Marine Hospital. I had developed a bad case of trench foot and planter's warts on the bottom of the left foot and they needed treatment—immediate treatment. A surgical operation in the prison camp clinic performed by a medical student had been ineffectual. It was thought that X-rays would cure them. So I was sent to the roentgenological department for X-ray treatments and there I met the woman who was later to become my wife during the interim period. She was the X-ray technician.

I knew it would be several months before I could get word to my wife and certainly not before she was evacuated from China to Japan. She was now a prisoner of war of the occupational authorities. I started my business, had a modicum of success, and played the field for feminine companionship. I did much too much drinking throughout this period. I weighed but 112 pounds when I left the prison camp on VJ-day—mere skeleton and bone. Further, I had had an attack of pneumonia in a slight way while I was in Shanghai during my work with the OSS. The OSS major in charge had an Army doctor treat me and he brought me out of it within a few days. He noticed my emaciation and lack of vitality and recommended my drinking wine daily to build up my strength and weight. It took his advice too literally but I did commence to put the weight on again.

Then I was having trouble with my Chinese compradore, or manager, at the Shanghai office. I decided to send out an American to investigate. The night the American left we had a big party in honor of his departure and the woman who entered my life was present. After the others had gone I got a taxi and accompanied her to her apartment where she proposed marriage to me at 1:30 in the morning. To make a long story short we were married the next evening. After a day or two of much liquid celebration I came to and realized my predicament. Then my conscience did trouble me. I had automatically excommunicated myself from my church. To make matters worse, shortly after I attended a performance of Puccini's *Madame Butterfly* and burst into tears during the passionate, emotional scene which ends the first act and had to leave the auditorium.

Shortly after I read a notice in the newspaper that communications with Japanese nationals were opened and I immediately started writing my wife. I told her what had happened, begged her forgiveness and told her I would not rest until I had the matter straightened out. I sent her many parcels of food and clothing which she needed badly. Finally, I decided to take a job with an engineering firm in Kuwait, Persian Gulf. I went out there, spent 18 months in that veritable desert hell and returned to the States. By now, my mind was made up. I talked with Father Sheeran first who advised me to make amends. I also had a long talk with Federal Judge Roy Shelbourne in Louisville and asked his advice. He gave me sound advice which I have subsequently followed. Then I got in touch with Mr. Thruston B. Morton who has rendered me every possible assistance

since. Of course, I had to remove the legal impediments which I have done and I am returned to the same status I was on that tragic morning of September 13, 1945 whereby I was, and still am, married to Mrs. Shizu Terauchi Parks, in the eyes of my church.

Senator McCarran, this is not a nice tale. I have spared myself no punches. I am thoroughly ashamed of myself and I take all blame and censure for what has happened. I can tell you my life has been exemplary for years. Although I was never a habitual drunkard, I have, since this tragic episode in both our lives, sternly decided that liquor shall never again influence my decisions or life as long as I do live. Our Lord forgave the thieves on the Cross; my church and my dear wife have forgiven me; surely the Senate will do likewise.

Never once has my wife believed she was other than the rightful and legal Mrs. Parks. Neither of us have had much respect for Chinese jurisprudence—she even less than I, so she has never considered herself divorced. She is, perhaps, too naive in this respect, but her belief has enabled her to carry on through the past tragic and horrible 5 years.

Since her return to Japan she has served the American Army of Occupation at the Red Cross center at Sasebo, Kiushu, tactfully, diplomatically, and well. This service has been under two different Red Cross directors both of whom submitted letters of recommendation to the House committee and one, in particular, Miss Jane Gulick, of 30 Murray Place, Princeton, N. J., interested Senator H. Alexander Smith in introducing the legislation now in your honorable committee's hands.

To what extent she might be excoriated, condemned or even castigated by her own people after the signing of the peace treaty after such service is a matter of conjecture. I feel it serious enough, and love her deeply enough, that if I cannot be privileged to bring her to the States I have the obligation to leave my beloved country and be exiled somewhere I can provide her with the protection to which she is entitled. I speak Spanish and considerable French. In all Latin countries a Catholic marriage is valid. I am sure most would offer asylum to us both. Neither of us are of the *hoi polloi*. We are both intelligent, educated, cultured individuals—normal, patriotic persons—with no desire other than to lead a quiet, respectable life in our declining years.

So, honorable Subcommittee of the Judiciary, our fate and destiny are in your hands. You have it in your power to enable us to be together where we belong together, here in my own native land; or you can exile us, by refusal to grant our humble petition. I can see no other alternative. Mind you, gentlemen, I would leave not in anger, but sorrowfully and reluctantly; but go I would be compelled to.

I am accompanying this statement with letters of reference from my banker, my employers, my priest, and an outstanding Louisville businessman in the hope that they will eradicate any doubt in your minds of my character, dependability, and willingness, and financial ability to support my wife here.

In deepest humility and contrition, I beg you to consider this bill favorably and give us both happiness here at home, the greatest Nation on earth, my America. May God bless you for so doing.

Sincerely yours,

HENRY FRANCIS PARKS.

STATE OF KENTUCKY,  
*County of Jefferson, ss.*

Henry Francis Parks says that statements contained in the foregoing letter are true.

HENRY FRANCIS PARKS.

Subscribed and sworn to before me by Henry Francis Parks, this 6th day of July, 1951.

[SEAL]

RICHARD P. WATTS,  
*Notary Public.*

My commission expires August 13, 1952.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2916) should be enacted.